

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 1: 04-CR-544 (TJM)

KUN FUK CHENG, et al.

ORDER TO SHOW CAUSE

This matter is closed and being prepared for storage. This matter was filed under seal or contains documents which were sealed by order of the Court. Pursuant to Northern District of New York Civil Procedure Local Rule 83.13(b):

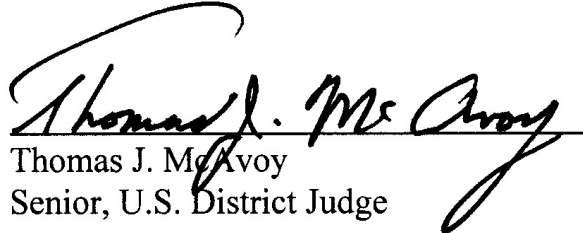
Pleadings and other papers filed under seal in civil actions shall remain under seal for sixty (60) days following final disposition of the action, i.e., final disposition of the action includes any time allowed by the federal rules to file an appeal in a civil matter, and, if an appeal is filed, sixty (60) days from the date of the filing of the mandate if the action was not remanded for further proceedings. After that time, the Court will unseal all sealed documents and place them in the case record unless, upon motion of a party, the district judge or magistrate judge orders that the pleading or other document remain under seal or be returned to the filing party. If the case is fully electronic, documents that have been unsealed may be uploaded to CM/ECF where they would be available for public viewing.

or Criminal Procedure Local Rule 13.1:

The Court may seal cases in their entirety, or only as to certain parties or documents, when the cases are initiated, or at various stages of the proceedings. The Court may on its own motion enter an order directing that a document, party or entire case be sealed. A party seeking to have a document, party or entire case sealed shall submit an application, under seal, setting forth the reason(s) why the Court should seal the document, party or entire case, together with a proposed order for the assigned judge's approval. The proposed order shall include language in the "ORDERED" paragraph stating which document(s) are to be sealed and should include the phrase "including this sealing order." Upon the assigned judge's approval of the proposed sealing order, the Clerk shall seal the document(s) and the sealing order. A complaint presented for filing with a motion to seal and a proposed order shall be treated as a sealed case, pending approval of the proposed order. Once the Court orders a document or a case sealed, it shall remain under seal until the Court enters a subsequent order, upon its own motion or in response to the motion of a party, directing that the Clerk unseal the document or case.

The Court hereby orders the Government and Defendant Kun Fuk Cheng (01) to show cause within 10 days date of this order why certain documents cannot be unsealed. Failure to respond to show cause will result in the case or documents becoming unsealed, scanned and uploaded to the District's Electronic Filing System (CM/ECF), and/or transferred to the Federal Records Archives without further order.

Dated: February 6, 2015


Thomas J. McAvoy
Senior, U.S. District Judge